

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAURICE STEVENS,	)	
	)	
Plaintiff	)	Case No. 18-cv-00224
	)	
vs.	)	
	)	
SECURITY LT. DICKEY, ET. AL.,	)	RICHARD A. LANZILLO
	)	UNITED STATES MAGISTRATE JUDGE
	)	
Defendants	)	
	)	

ORDER ON MOTION TO AMEND

Presently before the Court are Plaintiff Maurice Steven’s Motion to Amend Original Complaint (ECF No. 16) and Motion to Amend Complaint (ECF No. 19). Both motions are hereby **DENIED** because Plaintiff filed to attach a proposed amended complaint thereto.

The Third Circuit Court of Appeals has a “longstanding amendment rule” that “to request leave to amend a complaint, the plaintiff must submit a draft amended complaint to the court so that it can determine whether amendment would be futile.” *Fletcher-Harlee Corp., v. Pote Concrete Contractors, Inc.*, 482 F.3d 247 (3d Cir. 2007). The “failure to submit a draft amended complaint is fatal to a request for leave to amend.” *Id.* (citing *Ranke v. Sanofi–Synthelabo, Inc.*, 436 F.3d 197, 206 (3d Cir. 2006); *Ramsgate Court Townhome Ass’n v. West Chester Borough*, 313 F.3d 157, 161 (3d Cir. 2002); *Lake v. Arnold*, 232 F.3d 360, 374 (3d Cir. 2000); *Kelly v. Del. River Joint Comm’n*, 187 F.2d 93, 95 (3d Cir. 1951)). “[A] district court need not worry about amendment when the plaintiff does not properly request it.” *Fletcher-Harlee*, 482 F.3d at 252. That is, “properly requesting leave to amend a complaint requires submitting a draft amended complaint.” *Id.* By previous order of this Court, Plaintiff was to respond to the Defendants’ Motion to Dismiss by December 28, 2018. The Court will extend that deadline. Plaintiff may

file a brief in opposition to the Defendants' Motion to Dismiss (ECF No. 12) or a proper motion for leave to file an amended complaint on or before **Friday, January 25, 2019**.

The Court reminds Plaintiff that the "amended complaint must be complete in all respects. It must be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed." *Young v. Keohane*, 809 F. Supp. 1185, 1198 (M.D.Pa.1992). Additionally, the amended complaint must establish the existence of actions by the Defendants which have resulted in constitutional deprivations. *See, e.g., Rizzo v. Goode*, 423 U.S. 362, 370–73, 96 S. Ct. 598, 46 L.Ed.2d 561 (1976). It should specify which actions are alleged as to which Defendants. The amended complaint must be "simple, concise, and direct" as required by the Rules of Civil Procedure. *See* Fed. R. Civ. P. 8(e)(1).

It is so ordered.

/s/ Richard A. Lanzillo  
RICHARD A. LANZILLO  
UNITED STATES MAGISTRATE JUDGE

Dated this 9<sup>th</sup> day of January, 2019.